

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

THOMAS FRANCHINI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket no. 1:18-cv-00015-GZS
	)	
BANGOR PUBLISHING CO. INC. et al.,	)	
	)	
	)	
Defendants.	)	

**ORDER ON INVESTOR’S BUSINESS DAILY’S MOTION TO STRIKE PLAINTIFF’S  
SECOND AMENDED COMPLAINT**

On April 25, 2019, the Court issued a stay of proceedings, including discovery and any further pleadings, between Plaintiff Thomas Franchini and Defendant Investor’s Business Daily (“IBD”) pending resolution of IBD’s interlocutory appeal (ECF No. 66). This interlocutory appeal has not been resolved, and no terms of the stay have been excepted or suspended. Consequently, the Court concludes that it does not have jurisdiction to allow Plaintiff’s proposed amendment of his complaint, or to consider the merits of the proposed second amended complaint as it relates to IBD. See Rivera-Torres v. Ortiz Velez, 341 F.3d 86, 93 (1st Cir. 2003) (“The filing of . . . an interlocutory appeal, ‘confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.’ The district court does not regain jurisdiction over those issues until the court of appeals issues its mandate.” (alteration in original) (quoting Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982))). The Court thus GRANTS IBD’s Motion to Strike Plaintiff’s Second Amended Complaint (ECF No. 96).

SO ORDERED.

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/s/ George Z. Singal  
United States District Judge

Dated this 15th day of April, 2020.